

AMENDED IN SENATE JULY 15, 2003

AMENDED IN SENATE JUNE 12, 2003

AMENDED IN ASSEMBLY MAY 6, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 256**

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**Introduced by Assembly Member Vargas**  
**(Coauthors: Assembly Members Goldberg, Koretz, Laird, and**  
**Longville)**  
**(Coauthor: Senator Ducheny)**

February 4, 2003

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An act to add Section 105307 to the Health and Safety Code, relating to lead.

### LEGISLATIVE COUNSEL'S DIGEST

AB 256, as amended, Vargas. Adulterated foods: candy: maximum allowable lead levels.

Under existing law, the State Department of Health Services is responsible for administering the Childhood Lead Poisoning Prevention Act of 1991. Existing law requires the department to establish a childhood lead poisoning prevention program to identify and conduct medical followup of high-risk children, and to establish procedures for environmental abatement and followup designed to reduce the incidence of excessive childhood lead exposures.

This bill would require the department ~~to commence and maintain a program~~ to monitor lead levels in all imported candy sold or distributed

in the state, ~~including a sampling and testing program~~ to determine the lead levels contained in the candy. The bill would require the department to establish maximum allowable lead levels for candy, as specified.

This bill would require the department, if it tests a candy and determines that the candy exceeds the maximum allowable lead level, to issue health advisory notices to county health departments alerting them to the dangers posed by consumption of the candy, and to notify the manufacturer and distributor of the candy that the candy exceeds the maximum allowable lead level and shall not be sold or distributed in the state unless further testing proves that the candy is in compliance with the maximum allowable lead level.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that  
2 dangerous lead levels have been found in candy imported into  
3 California from outside of the United States.

4 SEC. 2. Section 105307 is added to the Health and Safety  
5 Code, to read:

6 105307. (a) The department shall ~~commence and maintain a~~  
7 ~~program to~~ monitor lead levels in all candy imported from outside  
8 of the United States and sold or distributed in the state. ~~The~~  
9 ~~program established pursuant to this section shall include a~~  
10 *Monitoring shall include* sampling and testing ~~program~~ to  
11 determine the lead levels contained in the candy.

12 (b) The department shall establish maximum allowable lead  
13 levels for all imported candy sold or distributed in the state. In  
14 establishing these levels, the department shall consider any  
15 relevant standards, guidelines, and information available from the  
16 federal Food and Drug Administration and the federal Centers for  
17 Disease Control and Prevention, as well as any other source that  
18 the department deems appropriate.

19 (c) If the lead level in a candy that is tested by the department  
20 pursuant to subdivision (a) exceeds the maximum allowable lead  
21 level, the department shall do both of the following:



1 (1) Issue health advisory notices to county health departments  
2 alerting them to the danger posed by consumption of the specified  
3 candy.

4 (2) Notify the manufacturer and the distributor of the candy  
5 that the candy exceeds the maximum allowable lead level, and that  
6 the candy shall not be sold or distributed in the state until further  
7 testing proves that the candy is in compliance with the maximum  
8 allowable lead level.

9 (d) (1) If a candy exceeds the maximum allowable lead level,  
10 the manufacturer or distributor may attempt to correct the problem  
11 and resubmit the candy to the department for further testing.

12 (2) If the lead content of the candy is below the maximum  
13 allowable lead level when it is retested, the department shall  
14 provide the manufacturer or distributor and the county health  
15 department with a letter stating that the candy has been retested and  
16 determined to contain less than the maximum allowable lead level  
17 established by the department, and that the sale and distribution of  
18 the candy in the state may resume.

19 (3) If the candy still exceeds the maximum allowable lead level  
20 after it has been retested, the manufacturer or distributor shall take  
21 corrective measures and continue to resubmit samples for testing  
22 until the candy's lead content is below the maximum allowable  
23 lead level if the manufacturer or distributor wishes to sell or  
24 distribute the candy in the state.

